

Application No.: 10/051745

Case No.: 57453US002

REMARKS

Claims 1-62 are pending. Claim 12 has been canceled. Claims 4-9 and 14-62 were originally withdrawn from consideration. For the reasons indicated below, claims 4-9 and 14-22 are currently amended and resubmitted for consideration. Claims 1, 4-9, 13, and 14-22 are amended.

The Examiner indicates that claims 12-13 are objected to. Applicants hereby amend independent claim 1 to recite the limitations of dependant claim 12 (which is thus being canceled) which requires that the microneedle device includes a channel extending from the base towards the tip of the microneedle to create a reservoir volume for fluid. Applicants submit amended claim 1 is allowable as rewritten.

Claim 13 is amended to correct its' dependency.

Claims 23-62 remain withdrawn without prejudice and Applicants reserve the right to present the subject matter thereof in another application

Withdrawn Claims

Please note that MPEP 809.02 provides that "when a generic claim is subsequently held to be allowable . . . and all claims are embraced by an allowable generic claim . . . Applicant should be advised of the allowable generic claim and that the claims to the non-elected species are no longer withdrawn since they are fully embraced by the allowed generic claim." Claims 4-9 and 14-22 are a species dependent from and fully embraced by the generic claim 1, and should no longer be withdrawn from consideration.

Applicants have used the combination status identifier of "Withdrawn-Currently Amended" as authorized under 37 CFR § 1.121. (See, e.g., 68 Fed. Reg. 38617, col. 3, first full paragraph. Applicants note that the sole status identifier "Withdrawn" should also be appropriate under current USPTO rules, even though the claims are being amended. (See 68 Fed. Reg. 38622, Response to Comment 23.))

Applicants respectfully request entry of the amendment of claims 4-9 and 14-22.

§102 Rejection

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The Office Action has rejected of claims 1-3 under 35 U.S.C §102(b) as being anticipated by Eicher et al. (WO 97/03718) and claims 1-3, and 10-11 under 35 U.S.C. §102(e) as being anticipated by Yeshurun (US 6,558,361). This rejection is believed to be moot in view of the foregoing amendment of claim 1.


Applicant has endeavored to address the issues presented in the final Office Action. It is submitted that the application is in condition for allowance. If a telephonic interview with the Applicants' undersigned representative would be helpful in resolving any questions, the Examiner is invited to contact the undersigned at (651) 733-9140.

Respectfully submitted,

2-1-05

Date

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